

Abstract

The topic of this thesis is arbitration proceedings in the Czech Republic. In the introductory chapter arbitration is generally described, with definition of its characteristics in comparison with the ADR methods and regular court proceedings. Four basic theoretical standpoints concerning the arbitration proceedings are introduced. Arbitration is divided into general and specific arbitration as well as institutional and ad hoc.

In the second chapter the issue of arbitrability is described- specifically the conditions of its formation.

The third chapter focuses on the arbitration agreement, beginning from the inception, including its content and ending with cases when the agreement is void.

Arbitrator, including requirements concerning the person, such as confidentiality, independence, and impartiality, is contained in the fourth chapter. It also includes arbitrator's appointment and remuneration.

The fifth chapter deals with the arbitration proceedings in concreto. Basic principles governing the arbitration are outlined, following with initiation of legal action including further motions and evidence.

The sixth chapter is aimed at arbitration decision and its specific forms: the arbitration award and the resolution. A possibility of settlement approved by an arbitrator or a permanent arbitration court is also mentioned. The chapter regards the issue of legal force and enforceability of the above mentioned decisions. This chapter also deals with their delivery.

The seventh chapter describes the mechanism of reviewing an arbitration award by the arbitrators, which serves as an appeal – a specific element in arbitration.

The eighth chapter is focused on the role of the court within the annulment process of arbitration awards. Also contains a list and description of the reasons that may be the reason for the parties to file for such action.

The ninth chapter focuses on the enforcement of an arbitral award. It mentions the possibility of enforcement via the Civil Procedure Code. Also indicates a possible defence if the motions regarding enforcement have already been filed, however the party did not use the annulment process, which was discussed in chapter eight.

The tenth and last chapter deals with the transfer of the Czech Telecommunication Office disputes towards arbitrators or permanent arbitration courts.